



Entered on Docket
August 24, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Margarita Annex Loan (Except Claim of
James W. Shaw and Notice of Continued
Hearing as to James W. Shaw)**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Margarita Annex Loan ("Margarita Annex Loan") [DE 8462] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; an informal response to the objection was received from James W. Shaw, Claim No. 10725-

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1 01618; no other responses to the Objection having been filed; the Court noting on the
2 record that the disallowance of the Claims listed on Exhibit A does not affect the direct
3 lenders' right to repayment by the borrower or from the collateral securing the Placer I
4 Loan; and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8462] is sustained; and
7 2. The claims listed on **Exhibit A** attached, except for Claim No. 10725-01618
8 filed by James W. Shaw, are disallowed in full because those claims are based entirely
9 upon an investment in the Placer I Loan.
10 3. The hearing on the objection to Claim No. 10725-01618 filed by James W.
11 Shaw is continued to August 30, 2011 at 10:30 a.m.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:
14

15 **LEWIS AND ROCA LLP**

16 By /s/ John Hinderaker (AZ #018024)

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18 John Hinderaker (*pro hac vice*)
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21 *Attorneys for USACM Liquidating Trust*
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1 **LOCAL RULE 9021 CERTIFICATION**2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 _____ No party appeared at the hearing or filed an objection to the motion.

6 XXX I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
 failed to respond, as indicated below [list each party and whether the
 party has approved, disapproved, or failed to respond to the
 document]:

9 Counsel appearing: _____

10 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
11 copy of this order with the motion pursuant to LR 9014(g), and that
 no party has objected to the form or content of the order

12 U.S. Trustee: <u>Augie Landis</u>	13
14 <input type="checkbox"/> approved the form of this order	14 <input type="checkbox"/> disapproved the form of this order
15 <input checked="" type="checkbox"/> waived the right to review the order and/or	15 <input type="checkbox"/> failed to respond to the document
16 Other Party: <u>James W. Shaw</u>	17
17 <input type="checkbox"/> approved the form of this order	17 <input type="checkbox"/> disapproved the form of this order
18 <input type="checkbox"/> waived the right to review the order and/or	18 <input type="checkbox"/> failed to respond to the document

20 Submitted by:

21 LEWIS AND ROCA LLP

22 By: /s/ John Hinderaker. (AZ #018024)

23 Attorneys for USACM Liquidating Trust

24 # # #

**USACM Trust
Margarita Annex
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Margarita Annex Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Margarita Annex Loan
10725-02100	1/11/2007	Bruggemanns, Paul	385 W Tahquitz Canyon Way Palm Springs, CA 92262-5647	200,000.00	200,000.00
10725-01024	11/6/2006	Clendening, John P & Doreen S	1250 Davidson Way Reno, NV 89509-3141	65,671.67	65,671.67
10725-01454	11/16/2006	Dupin, William & Penny	545 Cole Cir Incline Village, NV 89451 C/O Edward & Leah Kline Trustees 9932 Arbuckle Dr Las Vegas, NV 89134-7530	50,000.00	50,000.00
10725-00547	10/10/2006	Edward & Leah Kline Family Trust Dtd 7/9/91	C/O Harold Epstein Trustee 40 W 3rd Ave Apt 703 San Mateo, CA 94402-7117	105,060.00	105,060.00
10725-00238	9/26/2006	Harold Epstein Revocable Living Trust Dtd 2/14/91	Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	50,000.00	50,000.00
10725-01825	12/28/2006	Kenneth H & Phyllis P Wyatt Family Trust	Michael J & Jo Ann L Maloney Ttees 2198 Peyten Park St Henderson, NV 89052-7053	135,208.35	135,208.35
10725-01033	11/6/2006	Michael & Jo Ann Maloney Revoc Trust Dated 12/1/04	14225 Prairie Flower Ct Reno, NV 89511-6710	50,000.00	50,000.00
10725-01618	12/8/2006	Shaw, James W IRA	*Undeliverable Address* 2762 Darby Falls Dr Las Vegas, NV 89134	50,000.00	50,000.00
10725-01462	11/16/2006	Strunk, Allen D		50,000.00	50,000.00

EXHIBIT A